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Attorneys for Plaintiff  
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka  
CHRISTENE COHEN), *in personam* and  
F/V POINT LOMA, Official Number  
515298, a 1968 steel-hulled, 126-gross ton,  
70.8- foot long fishing vessel, her engines,  
tackle, furniture, apparel, etc., *in rem*, and  
Does 1-10,

Defendants.

And Related Counterclaims

Case No.: CV 07-02952 WHA

**SUPPLEMENTAL DECLARATION  
OF MAX L. KELLEY IN SUPPORT  
OF PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' APPLICATION FOR  
REASONABLE ATTORNEYS' FEES**

Hon. William H. Alsup

I, Max L. Kelley, hereby declare:

1. I am an associate in the firm of Cox, Wootton, Griffin, Hansen & Poulos,  
LLP, attorneys of record for Plaintiff Del Mar Seafoods, Inc. ("Del Mar"). I submit this

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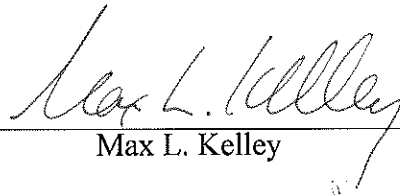
DelMarSeafoods/2504

1 supplemental declaration in support of the plaintiff's Opposition to Defendants' Application  
 2 for Reasonable Attorneys' Fees. I have personal knowledge of the facts stated below and if  
 3 called to testify regarding those facts, I would and could competently testify thereto.

4 2. Yesterday I e-filed my Declaration in Support of Plaintiff's Opposition to  
 5 Defendants' Application for Attorneys' Fees and Costs. However, I inadvertently neglected  
 6 to include a table in Exhibit 1 to that Declaration. As I previously declared, I have reviewed  
 7 my firm's billing records for this case and created a table summarizing the hours and fees  
 8 generated by myself and my supervising attorney and lead trial counsel, Gregory W. Poulos,  
 9 for specific legal work we have performed in furtherance of this litigation. That table is now  
 10 attached to this declaration as Exhibit 1.

11  
 12 I declare under penalty of perjury under the laws of the United States of America that  
 13 the forgoing is true and correct. Dated July 29, 2008, at San Francisco, California.

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 Max L. Kelley

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**PLAINTIFF'S SUMMARY OF FEES BY PROJECT****PLAINTIFF'S TRIAL BRIEF:**

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Fee</u>
4/28/08	GWP	Drafting trial brief.	4.9	\$350.00	\$1,715.00
		<b>Project Total:</b>	<b>4.9</b>		<b>\$1,715.00</b>

**PREPARE OPPOSITION TO DEFENDANTS' MOTION IN LIMINE RE PAROL EVIDENCE:**

4/21/08	MLK	Prepare Opposition to defendants' motion in limine No. 1 to exclude parol evidence (1.7)	1.7	250.00	425.00
4/22/08	MLK	Prepare opposition to motion in limine (5.3)	5.3	250.00	1,325.00
4/23/08	MLK	Prepare opposition to motion in limine (1.2)	1.2	250.00	300.00
	GWP	Revise opposition to motion in limine (0.5); work on settlement conf. statement (0.5).	0.5	350.00	175.00
4/24/08	GWP	Review and revise opposition to motion in limine (0.6); review Cohen's draft Joint Pre-Trial conference statement and revise same (0.5).	0.6	350.00	210.00
4/24/08	MLK	Prepare opposition to defendants' motion in limine and supporting documents (3.7).	3.7	250.00	925.00
4/25/08	MLK	Finalize opposition to defendants' motion in limine and serve (0.4).	0.4	250.00	100.00
		<b>Project Total:</b>	<b>13.7</b>		<b>\$3,565.00</b>

**SETTLEMENT CONFERENCE:**

4/23/08	MLK	Prepare draft Settlement Conference Statement.	4.2	\$ 250.00	\$ 1,050.00
	GWP	Revise opposition to motion in limine (0.5); work on settlement conf. statement (0.5).	0.5	350.00	175.00
4/24/08	MLK	Prepare draft Settlement Conference Statement .	1.3	250.00	325.00
4/25/08	GWP	Telephone call from Judge Larson's clerk regarding upcoming MSC (0.1); review proposed joint final pretrial order (0.7).	0.1	350.00	35.00
4/28/08	MLK	Prepare and finalize pretrial pleadings for filing (1.0)	1.0	250.00	250.00
4/29/08	GWP	Telephone conference call with Joe R. and Joe C. (0.7).	0.7	350.00	245.00

	MLK	Teleconference with GWP, J. Riggio, and J. Cappuccio regarding the upcoming Settlement Conference and trial preparation, discuss further case handling with GWP.	1.0	250.00	250.00
4/30/08	MLK	Prepare trial binders, exhibits, and documents for upcoming Settlement Conference and trial (1.0)	1.0	250.00	250.00
5/1/08	GWP	Prepare for and attend Mandatory Settlement Conference.	3.5	350.00	1,225.00
		<b>Project Total:</b>	<b>13.3</b>		<b>\$3,805.00</b>

**PREPARE TRIAL SUBPOENAS:**

5/5/08	MLK	Exchange e-mails with defense counsel regarding service of trial subpoenas (0.2) and prepare same (0.2).	0.2	\$ 250.00	\$ 50.00
5/8/08	MLK	Prepare defendants' trial subpoenas.	1.00	250.00	250.00
5/9/08	GWP	Trial preparation including reviewing deposition transcripts (2.0) and trial subpoenas (0.5).	0.5	350.00	175.00
		<b>Project Total:</b>	<b>1.7</b>		<b>\$475.00</b>

**OPPOSITION TO DEFENDANTS' MOTION IN LIMINE FOR TRAVEL EXPENSES:**

5/13/08	JMT	Research Memo of P&A re: whether plaintiff can recover for the costs incurred in attending court hearings as part of damages.	5.8	\$ 92.50	\$ 536.50
5/15/08	JMT	Draft MIL to exclude costs of Defendant's travel.	1.3	185.00	240.50
		<b>Project Total:</b>	<b>7.1</b>		<b>\$777.00</b>